

REMARKS

Claims 1-31 are pending. Claim 31 is newly added. Claims 17-30 are withdrawn. The Examiner has kindly indicated that after careful reconsideration of this application, the claims are considered to be product-by-process type. More specifically, the Examiner has indicated that the process limitation “implanted on a molecular level” does not imposed any structural limitation on the claims. Claims 1 and 12 have been amended to remove the claims from a product-by-process type claim.

Claim 1 now recites: “a stent body constructed of material including a stent metallic substance and a **carbon deposit present at a molecular level within the stent metallic substance and at a depth within a surface of the stent.**” (emphasis added) This claim clearly recited a structural limitation of a carbon deposit being present at a molecular level with the stent metallic substance. To make an analogy, a claim directed to “a rod made from a metallic material including iron and aluminum deposit present at a molecular level with the iron” is a structural claim reciting the material of which the rod is made. A claim for a film layer directed to “X polymer and Y polymer present with the X polymer” is again a structural claim and not a product by process claim. Claims 1 and 12, similarly, are no longer product-by-process claims but claims with structural features.

Since the claim has been amended from a product-by-process claim to a structural claim, the language of “**carbon deposit present at a molecular level within the stent metallic substance and at a depth within a surface of the stent**” must be given patentable weight. The references cited by the Examiner, alone or in combination, fail to teach this limitation. Accordingly, claim 1 is patentably allowable for the cited references. Claims 2-11 and 31 depend from claim 1 and are patentably allowable for at least the same reason.

With respect to claim 12, the same arguments as above apply. Applicants respectfully request removal of the rejections.

Since all claims are in a condition for allowance, please issue a Notice of Allowability so stating. If the Examiner has any questions, the Examiner is invited to call the undersigned attorney of record.

Respectfully submitted,

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